



W. Lane Lanford
Executive Director

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Public Utility Commission of Texas

1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
512 / 936-7000 • (Fax) 936-7003
Web Site: www.puc.state.tx.us

Pat Wood, III
Chairman

Judy Walsh
Commissioner

Brett A. Perlman
Commissioner

April 29, 1999

Office of the Secretary
Magalie Roman Salas
Federal Communications Commission
Portals II
445 12th St., SW
Suite TW-A325
Washington, D.C. 20554

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96-98
RE: CC Docket No. 96-98 and NSD File No. L-99-33 — *Petition of the Florida Public Service Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures.*

Dear Secretary:

Enclosed please find the original and four copies of the comments approved today for submission to the FCC by the Public Utility Commission of Texas in the above-referenced docket. These are being provided to you pursuant to the public notice issued on April 15, 1999, regarding this docket. If there are any questions, please contact me at the phone number listed below. Thank you.

Sincerely,

Linda Hymans
Sr. Utility Analyst
(512) 936-7321
(512) 936-7328/fax

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

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Petition of Florida Public Service
Commission for Expedited Decision
For Grant of Authority to Implement
Number Conservation Measures

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NSD File No. L-99-33

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COMMENTS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS

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On April 2, 1999, the Florida Public Service Commission (FPSC) filed a petition requesting the Federal Communications Commission (FCC or Commission) to waive the provisions of 47 C.F.R. §52.19(c)(3) and permit the FPSC to implement additional number conservation measures.

In a notice¹ issued on April 15, 1999, the Common Carrier Bureau (Bureau) sought comment on the FPSC petition. Comments on these petitions are due on May 14, 1999 and reply comments are due on May 28.

The Public Utility Commission of Texas ("PUCT") files the following comments in support of the FPSC petition.

I. BACKGROUND

The impetus for the FPSC petition is the FCC's September 28, 1998, Memorandum Opinion and Order and Order on Reconsideration ("PA Order")² regarding the July 15, 1997 Pennsylvania Public Utility Commission ("Pennsylvania Commission") order concerning specific area code relief measures undertaken for four Pennsylvania NPAs. In the PA Order, the FCC held that state commissions were precluded from ordering the return of NXX codes in the

¹ *Common Carrier Bureau Seeks Comment on the Florida Public Service Commission's Petition for Authority to Implement Number Conservation Measures* (rel. April 15, 1999) NSD File No. L-99-33.

² *Memorandum Opinion and Order and Order on Reconsideration (PA Order)*, NSD File No. L-97-42 and CC Docket No. 96-98, September 28, 1998.

context of either a number pooling trial or as a means of protecting unused NXX codes against contamination in preparation for subsequent implementation of pooling.³ The PA Order also included limitations on the ability of state commissions to implement number conservation measures without prior FCC approval.⁴ The PA Order did not articulate a clear distinction between conservation measures requiring FCC approval and conservation measures that do not.

In its Petition for Reconsideration of the PA Order, the PUCT sought clarification of this point and urged the FCC to reconsider whether FCC approval of state-initiated conservation measures was necessary.⁵ The PUCT further requested that the process for FCC approval of state-initiated number conservation measures outlined in paragraph 31 of the PA Order be limited to the particular measures which were the subject of that Order. In the alternative, the PUCT urged the FCC to clarify paragraph 31 to specify which number conservation measures state commissions may implement without FCC approval and which measures are subject to the approval procedure outlined in paragraph 31.⁶

The FCC has not yet ruled on the petitions for reconsideration of the PA Order. Unless and until the FCC clarifies its PA Order to give states more latitude to implement number conservation measures, petitions similar to those filed by FPSC will continue to be filed by state commissions.

The PUCT strongly opposes FCC review and approval of each and every state-initiated conservation method. State commissions need the flexibility to implement on a timely basis number conservation measures that are responsive to the particular circumstances in their respective states. Requiring FCC approval of state-initiated conservation measures would stifle innovative approaches in managing numbering resources. Moreover, such a process would be inefficient, unduly burdensome and inconsistent with the underlying purposes of the Telecommunications Act. Because state commissions have a unique understanding of local circumstances, they are in the best position to determine whether and when number conservation measures should be implemented. State commissions should not be prohibited from implementing number conservation measures that can reasonably postpone burdensome and disruptive area code relief plans.

The FPSC petition seeks authorization from the FCC to enact various number conservation measures designed to slow the rapid exhaust of numbering resources in Florida.

³ PA Order at paragraph 24.

⁴ *Id.* at paragraph 31.

⁵ *Petition for Reconsideration of the Public Utility Commission of Texas* ("PUCT Petition") (filed December 15, 1998), NSD File No. L-97-42 and CC Docket No. 96-98.

⁶ *Id.* at 20.

The PUCT, like the FPSC, has sought to conserve numbering resources in a variety of ways. Number conservation measures utilized by the PUCT include rate center consolidation, voluntary NXX code give back, expanded local calling area (ELCA) for wireless, sequential number assignment and a virtual number pooling trial. These measures are discussed in more detail in the PUCT's Petition for Reconsideration of the PA Order⁷ and the PUCT's comments on the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods (NANC Report)⁸, both of which are incorporated herein by reference. State-initiated number conservation measures such as those discussed above and those proposed in the FPSC petition, can and should continue to play a significant role in advancing the industry toward more efficient number utilization in the years ahead.

The FPSC requests that the FCC direct the North American Numbering Plan Administration (NANPA) to update the Central Office Code Utilization Survey (COCUS) on a quarterly basis, to establish code allocation standards to more efficiently manage numbering resources, and to require wireless carriers to provide COCUS and other information necessary for the FPSC to carry out its area code relief responsibilities. The PUCT concurs with this request. In the PUCT's comments on the NANC Report, we discuss the need for complete utilization data, which requires participation by all codeholders.

II. DISCUSSION

FPSC Petition

In its petition, the FPSC requests authority from the FCC to implement nine specific number conservation measures.⁹ These measures are all legitimate, reasonable number conservation measures that state commissions should have the authority to implement at their discretion. While the PUCT may not choose to implement all of these measures in Texas, it supports FPSC's right to decide which conservation measures are appropriate for the particular circumstances in Florida. The FPSC has provided adequate support for implementation of the

⁷ *Id.* at 6-10.

⁸ On October 21, 1998, the NANC submitted a report to the Chief of the Common Carrier Bureau ("Bureau") entitled "Number Resource Optimization Group Modified Report to the North American Numbering Council on Number Optimization Methods" ("NANC Report"). On November 6, 1998, the Bureau issued a public notice requesting comments on the NANC Report. The PUCT submitted comments on the NANC Report on December 21, 1998. *Comments of the Public Utility Commission of Texas on the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods*, ("PUCT Comments") NSD File No. L-98-134.

⁹ FPSC Petition at 4.

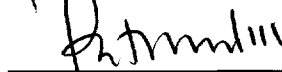
requested measures and they should be approved by the FCC. More broadly, the FCC could use the FPSC petition as an opportunity to reverse its Pennsylvania order, and grant Florida and all other states the authority to implement number conservation measures without FCC review or intervention.

III. CONCLUSION

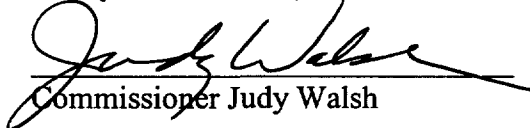
Consistent with its Petition for Reconsideration of the PA Order as well as its comments on the NANC Report, the PUCT does not believe that FCC approval of all state-initiated number conservation measures is either necessary or appropriate. The PUCT has been and remains willing to work with the FCC in solving the complex problems associate with NPA exhaust. However, state commissions are in the best position to determine when and how to implement number conservation measures for the benefit of consumers in their respective states.

The PUCT supports the petition of the FPSC for authority to implement specific number conservation measures and requests that the FCC approve them.

Respectfully submitted,



Chairman Pat Wood, III



Commissioner Judy Walsh


Commissioner Brett A. Perlman